

Remarks/Arguments:

This paper is submitted responsive to the office action mailed April 19, 2010. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the action, claims 41 and 42 were objected to as being in improper multiple dependent form. These claims have been amended and the claims as amended are in proper form under 37 CFR 1.75(c).

The Examiner pointed out the interpretation of the various preferable clauses in the claims. These claims have been amended to remove preferential claiming, and interpretation of the claims should thereby be facilitated.

Next in the office action, claims 3, 4, 7-15, 21, 25, 26, 30, 38 and 43 were rejected under 35 UC 112, second paragraph.

Claim 3 now utilizes Markush language as suggested by the Examiner.

Claim 4 has been amended to correct the spelling pointed out by the Examiner.

Claim 7 has been amended to make clear that the particles recited are fillers in the siloxane. The original language was awkwardly translated from the German, but claim 7 as amended is believed to be proper.

Claim 15 has been amended to clarify the points raised by the Examiner. The claim is drawn to the molar ratio between the monomeric silane and the particles in the binder.

Claims 16 and 17 have been amended to clarify what is meant therein, specifically that the binder exhibits the recited properties upon curing.

Claim 21 has been amended to remove the double recitation of epoxy resin.

The issue with claims 25 and 26 has been addressed by correcting the dependency of these claims.

Claim 30 has been amended to remove any confusion with respect to the term "preferably".

Claim 38 has been amended to clarify the materials recited.

In claim 43, the components have now been more properly recited, and this applies to the claims wherein the components are first introduced as well.

With respect to claim 33, the Examiner's bringing attention to the lower limit as being a very small amount is noted. The numbers as claimed in claim 33 are indeed as intended.

Taking the above and the claim amendments into account, it is submitted that all claims are in proper form under 35 USC 112, first and second paragraphs, and that these claims are in good form for further examination on the merits.

Claims 1-12, 14, 16-32, 35-38 and 44 were rejected as being anticipated by Herber et al. Considering claim 1 as amended and the teachings of Herber et al. reconsideration of the rejection is respectfully requested. It is noted that Herber et al. definitely calls for a component "c" in the form of an enamel film-forming component, and this component is required to make the binder of Herber et al. No such binder is needed or called for by the present claims. Further, it is submitted that Herber et al do not disclose a binder having the properties of claim 5 which have been added to claim 1. Based upon the foregoing, it is believed that Herber et al. does not anticipate claim 1 or any of the dependent claims recited in this rejection.

Claims 13, 33, 34 and 39 were rejected as being obvious over Herber et al. These claims all depend directly or indirectly from claim 1 and are believed to be allowable based upon this dependency and the arguments set forth above.

Claims 1-7, 10, 16, 18-31, 35, 40 and 44 were rejected as being anticipated by Strader. It is noted that Strader discloses a binder which relies on an acrylate-component as film-forming component, and also that Strader makes use of a "solid silicone resin" as indicated for example at column 1, lines 59-67. It is noted that solid silicone resin is not usable in an aqueous binder and is therefore precluded by claim 1 as amended. Further, claim 1 as amended calls for a specific level of alcohol release during curing that is exhibited by the binder of the present invention. Strader does not disclose this subject matter. The claims are therefore believed to be allowable over Strader.

Claims 1, 3, 7-11, 13, 16, 17, 19, 20, 22-28, 31 and 44 were next rejected as anticipated by Anthony. Reconsideration of this rejection is

requested. Anthony discloses a silicone resin coating composition which uses an alcohol/water mixture as a liquid component. A minimum of 20% of alcohol is required as solvent (see column 5, lines 24-37). The binder according to the present invention is an aqueous binder and therefore distinct from the teachings of Anthony.

Claims 1-5, 7-11, 13, 16-20, 22-28, 43 and 44 were rejected as anticipated by Chikuni et al. Chikuni et al. disclose a photocatalytic coating composition which uses alcohol as a solvent (see column 2, lines 34-40, column 9, lines 9-18). The photocatalyst is not only used for applying and curing the coating composition, but is also used over the lifetime of the coating. This is not at all called for or needed by the binder of the present invention.

Claims 1, 3, 4, 6, 7, 16-20, 22-27, 28, 37-40, 42 and 44 were rejected as anticipated by Grulke et al. It is noted that Grulke discloses a water-based silicone coating composition. The silicone component is added as an emulsion (column 1, line 65, column 4, lines 64-65, claim 1, column 7, lines 11-12). The binder according to the present invention is composed differently, as no emulsion is required. Rather, the silanes are pre-polymerized to the siloxanes.

Claim 1 as amended calls for subject matter which is believed to define over each of the prior art references applied by the Examiner and discussed above. Claim 1 and its dependent claims are therefore believed to be allowable over all art of record.

An earnest and thorough effort has been made by the undersigned to address all issues raised in the office action. If upon considering the response the Examiner believes that issues remain which can be addressed by telephone interview, the Examiner is invited to telephone the undersigned to discuss same.

It is believed that no additional fee is due in connection with this paper.
If any such fee is due, please charge same to Deposit Account 02-0184.

Respectfully submitted,

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